

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

FENNER INVESTMENT, LTD
Plaintiff,

v.

MICROSOFT CORPORATION, et al.
Defendants.

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CASE NO. 6:07-CV-8 LED

ORDER

In light of Nintendo and Microsoft's Motions for Summary Judgment of Non-infringement (Docket No. 207 & 208) and Defendants' Motion for Clarification of Claim Construction (Docket No. 318) it appears to the Court that there are several outstanding claim construction disputes that would be inappropriate to raise before a jury. Therefore the Court **ORDERS** that all parties appear for argument on Monday March 16, 2009 at 2:00 p.m. regarding the claim construction disputes raised in the Motions for Summary Judgment and the Motion to Clarify. The parties should be prepared to argue all issues raised in these motions including, but not limited to:

1) the definition of the term "representing" in the limitation "a width of said pulse representing a coordinate position of said joystick device," found in Claims 1, 9, and 14 of the '751 patent;

2) whether the term "width of said pulse" has been adequately defined;

3) whether the definition of "an interface circuit having a second source voltage" means that the entire interface circuit must run at a second source voltage;

4) whether the periphery or any part of the processor can be included in the definition of “interface circuit;”

5) whether the “buffer circuit” is the point of demarcation for a change between higher and lower voltage.

The parties should also be prepared to discuss whether there are any issues of triable fact remaining if any or all of these issues are not resolved in their favor.

So ORDERED and SIGNED this 13th day of March, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**